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10 Attorneys for Defendant
Ramon Scruggs, MD

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 UNITED STATES OF AMERICA,
15
16 Plaintiff,
17 v.
18 RAMON SCRUGGS, MD,
19 Defendant.

Case No. CR-08-144 JW (PT)

**STIPULATION AND [PROPOSED]
ORDER RE-SCHEDULING STATUS
HEARING TO OCTOBER 27, 2008 AT
1:30 P.M.**

20 IT IS HEREBY STIPULATED between the parties that, subject to the Court's approval, the
21 status hearing, currently scheduled for Monday, September 15, 2008 at 1:30 p.m. shall be vacated,
22 and the new hearing date shall be October 27, 2008 at 1:30 p.m.

23 The parties submit the following reasons provide good cause for the continuance:

24 1. On August 21, 2008, new counsel for Dr. Ramon Scruggs was recently appointed by
25 Hon. Patricia V. Trumbull. Also on August, 21, 2008, undersigned counsel for Dr. Scruggs received
26 copies of substantial discovery including 45 compact discs ("CDs") of discovery containing
27 documents, computer images, and audio recordings.

28 2. Review of the voluminous discovery by undersigned counsel for Dr. Scruggs will

require a significant amount of time, and as a result, counsel for Dr. Scruggs will be unable to reasonably evaluate next steps for this case by the scheduled September 15, 2008 status hearing. Undersigned counsel for Dr. Scruggs believes that by October 27, 2008, he will be in a substantially better position to advise the Court of further steps in this litigation.

3. Undersigned counsel for the Defendants agree that good cause exists for an exclusion of time from the Speedy Trial Act, 18 U.S.C. § 3161, on the grounds that failure to grant a continuance would deny counsel for Dr. Ramon Scruggs reasonable time for effective preparation, taking into account the exercise of due diligence.

4. The parties respectfully further request that the appearance of the defendants at the hearing on October 27, 2008, be waived on the grounds that the hearing will merely address scheduling and the defendants reside in Southern California.

IT IS SO STIPULATED.

Dated: September __, 2008

BAKER & McKENZIE LLP

By: /s/ _____
Scott H. Frewing
Attorneys for Ramon Scruggs, MD

Dated: September __, 2008

By: /s/ _____
Thomas J. Nolan
Attorney for Allan Danto

Dated: September __, 2008

By: /s/ _____
Lara S. Vinnard,
Attorney for Heidi MacPherson

1 Dated: September __, 2008

JOSEPH RUSSONIELLO
United States Attorney

3 By: /s/_____
4 Jeffrey D. Nedrow
5 Assistant United States Attorney

6 Pursuant to General Order No. 45, Section X(B), Scott H. Frewing hereby attests that the
7 signatory's concurrence in the filing of this document has been obtained.

9 Dated: September __, 2008

BAKER & MCKENZIE LLP


11 By: /s/_____
12 Scott H. Frewing
13 Attorneys for Ramon Scruggs, MD

14 **ORDER**

15 IT IS HEREBY ORDERED that the status hearing, currently scheduled for Monday,
16 September 15, 2008 at 1:30 p.m. shall be vacated, and the new hearing date shall be October 27,
17 2008 at 1:30 p.m. The defendants are not required to appear in person at the October 27, 2008,
18 hearing. Pursuant to 18 U.S.C. § 3161(h) the period from September 15, 2008 to October 27, 2008,
19 shall be excluded in computing the time within which the trial must commence.

21 **IT IS SO ORDERED.**

22 Dated: September 11, 2008

23 By: 
24 JAMES WARE
25 UNITED STATES DISTRICT JUDGE